

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv492

| | | |
|----------------------------|---|---------------------|
| KIM WILSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| TIME WARNER CABLE |) | |
| ENTERTAINMENT INC., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER comes before the Court on a letter from the Plaintiff [Doc. 9], requesting reconsideration of the Order [Doc. 7] requiring the payment of a partial filing fee on or before January 23, 2009.

On January 13, 2009, the Court entered an Order [Doc. 8], allowing the Plaintiff until January 20, 2009 to file additional evidence, in a form that is in accord with 28 U.S.C. § 1915(a), in support of her amended application to proceed *in forma pauperis*. On January 22, 2009, the Plaintiff filed the present letter [Doc. 9], stating that she received the Court's Order [Doc. 7] in the mail on January 21, 2009 and requesting that

the Court consider a notarized copy of her December 17, 2008 letter [Doc. 6] as evidence in support of her amended application. The Court will construe the Plaintiff's letter as a motion for reconsideration and will consider the Plaintiff's sworn statements set forth in the letter.

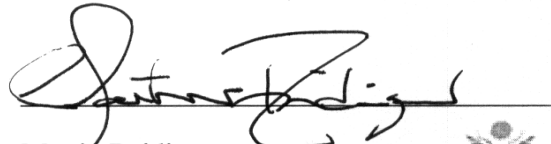
Upon review of the Plaintiff's sworn testimony, the Court determines that the Plaintiff lacks the resources from which to pay the \$100.00 partial filing fee. Consequently, Plaintiff's motion for reconsideration [Doc. 9] will be allowed.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's motion for reconsideration [Doc. 9] is **ALLOWED**, and the Plaintiff is hereby permitted to file and prosecute this action to its conclusion without the prepayment of either fees or costs and without providing security therefor;
2. The Clerk of Court is instructed to prepare process and deliver the same to the U.S. Marshal for service;
3. The U.S. Marshal shall serve process upon Defendant at the expense of the United States Government; and
4. The Clerk of Court is instructed to serve this Order on Plaintiff by certified mail, return receipt requested.

IT IS SO ORDERED.

Signed: January 24, 2009


Martin Reidinger
United States District Judge

